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Ford Motor Company

NHTSA-01-11108-7

James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

February 11, 2002

Jeffrey W. Runge, M.D.
Administrator
National Highway Traffic
Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Notice of Proposed Rulemaking – 49 CFR Parts 573 and 577 – Motor Vehicle Safety: Acceleration of Manufacturer's Remedy Program (Docket 2001-11108; Notice 1; 66 Fed. Reg. 64087, December 11, 2001)

Dear Dr. Runge:

Ford Motor Company, a domestic manufacturer and importer of motor vehicles with offices at One American Road, Dearborn, Michigan 48126-2798, submits the following comments on the Notice of Proposed Rulemaking regarding "Acceleration of Manufacturer's Remedy Program" (acceleration of remedy) that proposes rules to implement the provisions of Section 6 (a) of the Transportation Recall Enhancement, Accountability and Documentation Act (TREAD Act). This response covers all brands encompassed by Ford Motor Company (Ford, Lincoln, Mercury, Mazda, Volvo, Jaguar, Land Rover, Aston Martin, and Th!nk). Ford Motor Company participated in the preparation of the comments submitted by the Alliance of Automobile Manufacturers and incorporates those comments by reference.

Ford Motor Company and other manufacturers routinely undertake extraordinary efforts to develop and obtain sufficient quantities of safety recall parts so that recalls can be completed in a timely manner. These efforts include: (1) ordering long lead time materials and/or parts on a contingency basis even while the existence of a safety defect is still under investigation and not determined (e.g., Ford Recall 01S26/NHTSA Recall 01V-262); (2) paying premium prices to support supplier tooling (e.g., 01S07/01V-062); (3) requiring 24 hours per day and 7 days per week production schedules (e.g., 01S11/01V-095); and/or (4) adding additional suppliers (e.g., 01S19/01V-199). Further, in those special cases where there is an imminent risk of serious injury or death, Ford has suspended new vehicle production in order to supply recall parts to vehicles in the field (e.g., 01S15/01V-121).

We strongly concur with the Alliance comments that the acceleration of remedy determination by NHTSA should be an extraordinarily rare event. Congress required that the Agency "determine" that acceleration can be "reasonably" achieved by expanding the sources of the remedy parts or authorized repair facilities. The requirement of reasonableness imposes on the Agency a responsibility to gather information necessary to decide whether these extraordinary remedies are appropriate. It also requires the Agency to

ensure that they do not compromise vehicle safety or interfere with the intellectual property rights of the various parties.

Manufacturers routinely evaluate the varying levels of risk for all safety recalls and we agree that higher risk recalls require more aggressive actions than others. In the rare circumstances when it is appropriate, manufacturers already send notification letters before replacement parts are available, send stop sale or stop delivery instructions, or employ other strategies to address an imminent safety risk. Ford Motor Company recommends that the Final Rule contain an explicit recognition of the rare circumstances under which actions to order the acceleration of the remedy might be appropriate. As recommended in the comments of the Alliance, this could be accomplished by revising section 573.14 (b)(1) to read "the Administrator finds that there is an imminent risk of serious injury or death if the remedy program is not accelerated."

As the Agency is aware, many of the components and systems that make up a motor vehicle are designed and manufactured by outside suppliers. When a potential safety defect is identified in a system or component, the vehicle manufacturer and supplier must work together to identify the root cause of the defect and to design, develop and prove out a remedy. That remedy must not only address the defect or non-compliance but must work with other vehicle systems without compromising other aspects of vehicle safety or customer satisfaction. Further, it must do so for the remaining useful life of the vehicle or for the life of a wear-out component. In many cases, information about the design, manufacturing and technology, along with the associated documentation, is uniquely maintained by the supplier. Thus, developing and proving out the remedy frequently is a very complex and time-consuming process. In some cases, it involves not just the component or system manufactured and designed by the supplier, but its interaction with other components or systems manufactured and designed by other suppliers. Great care must be taken to work with the involved supplier or suppliers to accurately identify the root cause, and develop a remedy without creating additional concerns. Finally, all of this must be accomplished without interfering with the intellectual property rights of each of the suppliers.

Ford Motor Company urges that the Final Rule specify a consultation process that will occur between the Agency and the manufacturer prior to the issuance of an order to accelerate a recall. This will help assure that the Agency is advised of the field risks, accelerated remedy manufacturing risks and benefits and any associated intellectual property issues associated with any potential order to accelerate a recall remedy.

Should you have any questions regarding these comments, please contact my office on (313) 845-4320.

Sincerely,

James P. Vondale